



# PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Case No. 00-581**

In re Application of:

Nix et al.

Serial No.: 09/872,904

Filed: May 31, 2001

For: PACKET-SWITCHED TELEPHONY  
CALL SERVER

Group Art Unit: 2661

Examiner: TBA

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

JUL 15 2002

Technology Center 2600

## DECLARATION OF MARCUS J. THYMIAN

I, Marcus J. Thymian, declare as follows:

1. I have personal knowledge of the following facts, and if called to testify, I would and could testify competently to the matters set forth herein.
2. On June 20, 2002, I sent a letter via Federal Express to Brian C. Wiles enclosing a copy of the complete application papers, a combined Declaration / Power of Attorney, and an Assignment for U.S. Application No. 09/872,904. A copy of this letter and its enclosures are attached as Exhibit A. The letter includes a date (July 1, 2002) by which a failure to respond would be treated as a refusal to execute the application papers.
3. My June 20, 2002 letter was delivered to Mr. Wiles on June 21, 2002. A Federal Express Proof of Delivery Record showing the signature of Brian C. Wiles on June 21, 2002 is attached as Exhibit B.

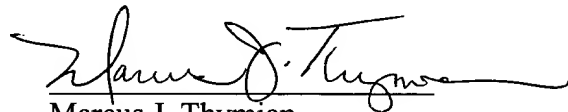
RECEIVED  
JUL 17 2002  
OFFICE OF PETITIONS

RECEIVED  
JUL 17 2002  
OFFICE OF PETITIONS

4. On or about June 21, 2002, I received a telephone call from Mr. Wiles regarding the letter and enclosures I sent him on June 20, 2002. Mr. Wiles indicated that he would not be signing the combined Declaration / Power of Attorney and Assignment unless Go2Call.com, Inc. agreed to grant equal rights in the patent application and any patents issuing therefrom to Mr. Wiles' company, StreamComm Corporation. I stated that if he did not respond back to me by July 1, 2002, his non-response would be treated as a refusal to respond, to which he indicated he understood.
5. I received no other response from Mr. Wiles after the initial June 21, 2002 telephone call.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 8<sup>th</sup> day of July 2002 in Chicago, Illinois.

7/8/02



Marcus J. Thymian  
Registration No. 43,954  
McDonnell Boehnen  
Hulbert & Berghoff  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: 312 935 2352  
Facsimile: 312 913 0002

RECEIVED  
JUL 17 2002  
OFFICE OF PETITIONS